REMARKS

35 U.S.C. § 112, ¶ 1 REJECTION

The Examiner contends that the 'information source / access evaluator' limitation of claim 1 lacks proper written description under 35 U.S.C. § 112, ¶ 1. See *Final Office Action*, 2. The Applicants respectfully disagree. Claim 1—prior to *Amendment D*—recited a limitation that read as follows:

> providing the information as a value of the field indicated by the field name in the selected row, in response to the query , and **wherein the information source comprises an access evaluator, the access evaluator configured to determine whether a user may have access to an information resource within the information source.**

As noted by the Applicants in *Amendment D* and subsequently in *Amendment E*, the aforementioned 'access evaluator' element was cancelled only to be 'relocated' in the context of the 'information source' limitation. This relocation of claim language did not change the scope of the claim, especially with respect to the written description requirement. The 'access evaluator' claim element, in that regard, was not previously under rejection with respect to lack of written description. The Applicants traverse the Examiner's contention that said limitation suddenly lacks the same.

Notwithstanding, the Applicants note that portion of the specification that states:

> Before the **access control system** in which the present invention is implemented can grant a user **access to an information resource**, it must do two things: authenticate the user, that is, determine that the user is the entity it claims to be; and make a **user group membership determination, that is, determine whether the user's user group memberships are such that the access policies for the information resource permit the user to access to the information resource.**

WO 00/79434 A1, p. 106, l. 20 *et seq.* (emphasis added)

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The Applicants further note that portion of the specification, which states:

> In the embodiment of virtual relational database system 5401 employed in generalized policy server 2617, policy-enabled component 2609 responds to a request by a user to access a resource by making a query to the virtual relational database table PolicyEval. The SELECT clause specifies at least a field which indicates whether the user has access to the resource. **The WHERE clause specifies information which permits generalized policy server 2617 to determine whether the user indeed has access. In a presently-preferred embodiment of policy server 2617, the information specified in the WHERE clause may come from policy-enabled component 2609, from evaluator 2036, and/or Authentication coordinator 3829.** Authentication coordinator 3829 will be explained in more detail later. Depending on the query, various fields of the user's constructed row 5417 are returned to policy-enabled component 2609. Other embodiments of VDB service 3813 can of course use any mechanism which obtains and returns the information necessary to answer the query.

WO 00/79434 A1, p. 99, l. 23 *et seq.* (emphasis added).

Further, the Applicants note the recitation of the aforementioned information source and access evaluator in claims 1 and 4, respectively, of the original Patent Cooperation Treaty from which the present U.S. application entered the U.S. national phase under 35 U.S.C. § 371 *et seq.* An originally filed claim constitutes its own written description. See In re Wertheim, 541 F.2d 257, 263 (CCPA 1976). Likewise, the Manual of Patent Examining Procedure states that "[i]t is . . . well accepted that a satisfactory description may be in the claims or any other part of the originally filed specification." MPEP § 2163(I).

In light of the support evidenced in the specification in addition to the support found in the claims as original filed, the Applicants respectfully contend that claim 1 has proper written description under 35 U.S.C. § 112, ¶ 1. The Applicants therefore request that the rejection be withdrawn.

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35 U.S.C. § 103(A) REJECTION

The Examiner stated, in the context of the aforementioned 35 U.S.C. § 112, ¶ 1 rejection, that the access evaluator element of claim 1 lacked written description. See *Final Office Action*, 2-3. Because of this perception, the Examiner stated that said limitation would be interpreted as retrieving information from a selected row. See *Final Office Action*, 3. The Examiner—in this context and with this interpretation in mind—proceeded to render a 35 U.S.C. § 103(a) rejection as to claim 1. See *Final Office Action*, 3-4. The Applicants have evidenced that the Section 112 rejection should be withdrawn. As such, the Examiner's obviousness rejection is based on a faulty premise associated with the (now overcome) written description rejection and should likewise be withdrawn. Notwithstanding, the Applicants address the specifics of the Examiner's rejection herein.

The Examiner contends that Dalal discloses an information source including "an access evaluator configured to determine whether a user may have access to an information resource within the information source." In support of this rejection, the Examiner cited to lines 40-60 of Dalal at column 8. See *Office Action*, 5. Dalal, as cited by the Examiner, evidences no such teaching. Dalal concerns a user inputting a text string representing a query. See *Dalal*, col. 8, l. 41. Dalal then describes utilizing Open Database Connectivity (ODBC) for string connection building; Dalal also provides a series of connect string examples. See *Dalal*, col. 8, l. 42-59 (concerning ODBC); col. 8, l. 50-60 (concerning string connection examples).

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At no point does Dalal disclose the presently claimed access evaluator. Dalal discloses "[a] method for accessing a database server using pass-through queries includes parsing a database query to separate a pass-through string, and then sending a pass-through string to retrieve information regarding the structure of a remote table." *Dalal*, Abstract. No access evaluation is disclosed. FIGURE 4 as referenced by the Examiner also lacks any teaching of an access evaluator as is presently claimed. See *Final Office Action*, 4.

The Examiner admits that the Noble reference fails to disclose the aforementioned access evaluator. See *Final Office Action*, 4-5. The Applicants have, through the present response, evidenced the failure to Dalal to disclose the same. A *prima facie* case of obviousness requires that the prior art references teach or suggest all of the claim limitation. See *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). As Noble and Dalal—either individually or in combination with one another—fail to teach the aforementioned access evaluator, the present 35 U.S.C. § 103(a) rejection is overcome.

DEPENDENT CLAIMS

Each and every one of the dependent claims of the present application depends either directly from—or via another dependent claim that ultimately depends from—claim 1 of the present application. A dependent claim incorporates each and every limitation of the claim from which it depends under 35 U.S.C. § 112, ¶ 4. The Applicants therefore contend that claims 2-14 are allowable for at least the same reasons as claim 1.

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CONCLUSION

The Applicants have traversed the Examiner's 35 U.S.C. § 112, ¶ 1 rejection with respect to an 'access evaluator.' The objected to claim element was previously recited in another part of the claim body and the present context of that element does not change the interpretation of the claim. Said limitation was also recited in the claims as originally filed which constitute their own written description. Finally, the Applicants have identified portions of the specification that support for this limitation. The Applicants, therefore, request that the written description rejection of claim 1 be withdrawn.

The Applicants have evidenced the non-obviousness of independent claim 1 of the present application versus the combination of *Noble et al.* and *Dalal et al.* Outside the rejection being based on a faulty premise concerning the 'access evaluator' vis-à-vis 35 U.S.C. § 112, ¶ 1, the Applicants have noted the lack of the presently claimed access evaluator in the cited art. The Applicants therefore believe that the Examiner's 35 U.S.C. § 103(a) rejection has been overcome.

The Applicants respectfully request the passage of the present application to allowance. The Examiner is invited to contact the undersigned with any questions concerning this amendment or the overall state of this application.

Respectfully submitted,
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